

NO. 82600-5

WASHINGTON STATE
SUPREME COURT

STATE OF WASHINGTON,

Plaintiff,
Respondent,

vs.

MARK JOSEPH AFANA,

Defendant,
Appellant.

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STATE OF WASHINGTON
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THIRD ADDITIONAL STATEMENT OF AUTHORITIES

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COMES NOW, MARK JOSEPH AFANA, by and through the undersigned attorney, and requests the Court to consider the following Third Additional authorities in connection with his appeal:

State v. Patton, slip opinion 80518-1 (10/22/09) (The automobile search incident to arrest exception is not justified unless the arrestee is within reaching distance of the passenger compartment at the time of the search, and the search is necessary for officer safety or to secure evidence of the crime of arrest that could be concealed or destroyed. A search incident to arrest cannot arise from the simple fortuity that a suspect is arrested near a car.)

DATED this ¹²26 day of October, 2009.

Respectfully submitted,



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